

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Lahaina and Waianae, Hawaii))

MB Docket No. 02-387

RM - 10623

RECEIVED

APR 21 2003

To: Assistant Chief, Audio Division
Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**MOTION FOR LEAVE TO FILE RESPONSE TO REPLY COMMENTS,
OR IN THE ALTERNATIVE, TO STRIKE REPLY COMMENTS**

Pacific Radio Group, Inc. ("Pacific") hereby moves for acceptance of the accompanying response to the reply comments of Cox Radio, Inc. ("Cox") in the above-captioned proceeding. The purpose of the response is to respond to an argument Cox raised for the first time in reply comments, even though Cox had had ample opportunity to participate at an earlier stage in this proceeding and chose not to do so. If this argument had been raised in comments, as it should have been, Pacific would have had an opportunity as of right to rebut the argument. Pacific respectfully requests that the Commission accept and consider the accompanying response for purposes of completing the record in this proceeding.

The Commission may accept this supplement as a matter within its discretion. See 47 C.F.R. § 1.415(d); See *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 16 FCC Rod 9551 (2001) (acceptance of supplement containing material of which the Commission may take official notice)

If the Commission declines to accept this supplement, then it should strike the reply comments Cox filed in this proceeding on March 3, 2002. Cox's argument should have been raised in comments, and Cox gave no reason why it could not have done so. It would be unfair

to accept a party's one-sided allegations without affording the party against whom the allegations are directed the opportunity to reply.

WHEREFORE, Pacific respectfully moves that the Commission accept and consider the accompanying response to Cox's reply comments in this proceeding, or if it is unable to do so, that it strike the reply comments of Cox from the record.

Respectfully submitted,

PACIFIC RADIO GROUP, INC.

By: 

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April 21, 2003

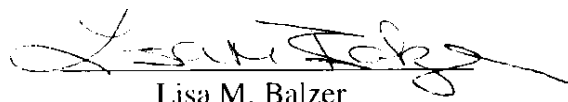
CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 21st day of April, 2003, have caused to be mailed by first class mail, postpaid prepaid, copies of the foregoing "**Motion to Accept Response to Reply Comments, or on the Alternative, to Strike Reply Comments**" to the following:

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Lisa M. Balzer